

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN ALAN JOHNSON,
Plaintiff,

v.

T. MILLER, et al.,
Defendants.

Case No. 15-05306 HRL (PR)

**ORDER DENYING MOTION FOR
RECONSIDERATION; DIRECTING
PLAINTIFF TO FILE MATTER IN
THE EASTERN DISTRICT**

Plaintiff, a state prisoner at the California Health Care Facility ("CHCF") in Stockton, initiated this action in *pro se* pursuant to 42 U.S.C. § 1983, against medical officials at CHCF. (Docket No. 11.)

This matter was dismissed on January 19, 2016, due to Plaintiff's failure to file a complaint in the time provided. (Docket No. 7.) On February 5, 2016, Plaintiff filed a letter stating that he was filing the attached complaint on February 1, 2016. (Docket Nos. 10 & 11.) Even if the Court were to construe the letter as motion for reconsideration to reopen this matter, venue is improper because the acts complained of occurred in San Joaquin County, which lies within the venue of the Eastern District of California, *see* 28 U.S.C. § 84(b). Accordingly, venue properly lies in that district and not in this one. *See* 28 U.S.C. § 1391(b).

1 Plaintiff is therefore advised that he should file the action in the Eastern District of
2 California. To the extent that Plaintiff's February 1, 2016 letter is seeking reconsideration
3 of the dismissal, the motion is DENIED.

4 **IT IS SO ORDERED.**

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6 **Dated:**

7 7/21/16

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HOWARD R. LLOYD
United States Magistrate Judge

United States District Court
Northern District of California

Order Denying Recon
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